

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF ARIZONA**

8 Rebekah Massie; and Quintus Schulzke,

Case Number: 2:24-cv-02276-ROS--DMF

9 *Plaintiffs,*

**[PROPOSED] ORDER GRANTING
PLAINTIFF SCHULZKE’S MOTION
FOR A PRELIMINARY
INJUNCTION**

10 v.

11 City of Surprise, et al.,

Hon. Roslyn O. Silver

12 *Defendants.*

13 Plaintiff Quintus Schulzke moved to enjoin Defendant City of Surprise from
14 enforcing a policy of the City Council of the City of Surprise prohibiting members of the
15 public from “lodging charges or complaints against any employee of the City or members
16 of the body” during the open comment periods of City Council meetings.

17 Having considered the parties’ pleadings, evidence, arguments of counsel, and the
18 record in this case, the Court finds that Schulzke has demonstrated a strong likelihood of
19 success on the merits of his claims that Surprise’s policy violates the First and Fourteenth
20 Amendments; that, absent a preliminary injunction, he faces immediate, irreparable injury
21 from the City of Surprise’s maintenance of the policy; and that the balance of the equities
22 and the public interest favor preliminary injunctive relief.

1 Therefore, the Court hereby **GRANTS** the motion and **ORDERS** the following:

2 1. It is hereby **ORDERED** that Plaintiff Schulzke's Motion for a Preliminary
3 Injunction is **GRANTED**;

4 2. The City of Surprise, its officers, agents, servants, employees, and all persons
5 in active concert or participation with it are **ENJOINED** from enforcing the rule or policy
6 described in the Complaint and the Motion for a Preliminary Injunction;

7 3. No person who has notice of this injunction shall fail to comply with it, nor
8 shall any person subvert the injunction by sham, indirection, subterfuge, or other artifice;

9 4. Under Federal Rule of Civil Procedure 65(c), the Court finds that a bond is
10 unnecessary and that requiring a bond would not be in the public interest under the
11 circumstances of this litigation;

12 5. This injunction shall go into effect immediately and shall remain in effect
13 pending further Order from this Court.

14 **IT IS SO ORDERED.**

15

16

17

18

19

20

21

22

23